

CHAMBERS OF
JUDGE SIDNEY H. STEIN
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August 13, 2008

FILE NO.
9168-599

VIA FACSIMILE

MEMO ENDORSED

Honorable Sidney H. Stein
United States District Court
U.S. District Court, Southern District of New York
500 Peal Street
New York, New York 10007

Re: *E. Packman, Individually, et al. v. It's Just Lunch, et al.*
07 CV 9227 (SHS)

Dear Honorable Stein:

We are counsel to Defendants in the above-referenced litigation, and, pursuant to your Honor's individual practice rules are respectfully requesting an enlargement of time to respond, or otherwise move under Federal Rule of Civil Procedure 12(b) until August 29, 2008 concerning plaintiff's Amended Complaint.

On July 30, 2008 your Honor issued an Order directing plaintiff to serve and file their Amended Complaint by August 6, 2008. In speaking with counsel for plaintiff and the Court it appears that plaintiff complied with your Honor's Order, however, the Amended Complaint was not available via Electronic Court Filing ("ECF") until yesterday, August 12, 2008.

Your Affirmant corresponded with plaintiff's office on August 8 and 9th of 2008 advising that the Amended Complaint was not available via ECF and that the Amended Complaint which was emailed to defendants' office was illegible. Plaintiff did not respond to our correspondence of August 8th or 9th until August 11, 2008, wherein your Affirmant requested a conference call

LEWIS BRISBOIS BISGAARD & SMITH LLP

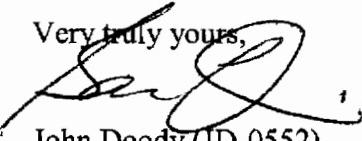
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for guidance with the Court to ensure defendants' timely response. Chambers suggested that we request an enlargement of time.

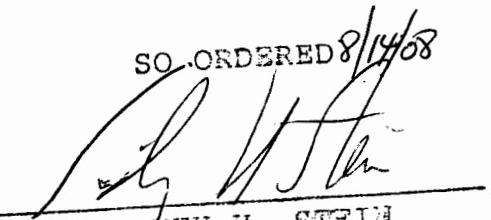
Defendants' respectfully request that your Honor grant Defendant's first application to enlarge our time to Answer or otherwise move to Friday, August 29, 2008, or any date thereafter which is agreeable to the Court, with the consent of Plaintiff.

Thank you for your consideration in this regard.

Very truly yours,


John Doody (JD-0552)
BARI KLEIN (BK-5784)
LEWIS BRISBOIS BISGAARD & SMITH LLP

BK


SO ORDERED 8/14/08
SIDNEY H. STEIN
U.S.D.J.